

## REMARKS

Claims 9-26 were pending. Of these, Claims 9-18 have been withdrawn, and Claim 19 has been amended, leaving Claims 19-26 for consideration in the present amendment.

Applicants' undersigned representative appreciates the courtesies extended during a telephone conversation explaining in greater detail the substance of the Office Action (paper no. 20070312). To overcome the problems noted with claim 19, Applicants have amended claim 19 to include all of the limitations found in originally filed claim 1. Thus, the claims relate to casting films having certain properties and are believed no longer distinct or independent from the originally filed claims. Support for the amendment of Claim 19 can be found at least in originally filed Claim 1.

Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

### Claim Rejections under 35 USC 112

Claims 1, 2, 4, 6-8 and 19 stand rejected under 35 SUC 112, second paragraph as being indefinite. Applicants respectfully traverse.

Claims 1, 2, 4, 6-8 have been cancelled. Claim 19 has been amended and is believed to address the issues raised by the Examiner. Claim 19 includes a number of well-defined process steps.

Accordingly, the rejection is requested to be withdrawn.

Claim Rejections under 35 USC 102/103

A. Claims 1-5, 7-8, and 19 stand rejected as being anticipated by, or in the alternative, obvious over U.S. Published Patent Application No. 2002/00123209 to Yamada et al. (hereinafter "Yamada"). Applicants respectfully traverse.

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barent, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Somewhat similarly, for an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed or suggested in the prior art. *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

The Office Action indicates that "Yamada discloses films obtained by casting solution containing cellulose esters that correspond to the formulas claimed in claim 4, in the amounts corresponding to the claims amounts and hydrolyzed silane polymers obtained by hydrolyzation of compounds corresponding to the compounds of claim 3. See illustrative examples and disclosure paragraph [0040-43, 47], illustrative example 1" (see Office Action, page 4, ll. 6-10). Applicants respectfully disagree with this statement. Yamada fails to disclose or teach Applicants' process of dissolving an alkoxysilane in a first solvent containing an alcohol having 1 to 4 carbon atoms to obtain an alkoxysilane condensation product solution, and dissolving cellulose ester in a mixture solvent of methylene chloride and ethyl alcohol to obtain the cellulose ester solution, wherein the methylene chloride and ethyl alcohol are at the ratio of 95:5 to 80:20. In particular, Yamada fails to teach or suggest dissolving the cellulose ester in the mixture solvent of methylene chloride and ethyl alcohol to obtain the cellulose ester solution, wherein the methylene chloride and ethyl alcohol are at the ratio of 95:5 to 80:20. Thus, Yamada clearly fails to anticipate the claims and fails to establish a prima facie case of obviousness.

Yamada's illustrative examples, which are purportedly the best mode proffered by Yamada and are relied upon in the Office Action, only employ acetone solutions of cellulose esters and do not employ cellulose ester solutions as recited in instant Claim 19. Rather, Claim 19 is directed to dissolving the cellulose ester in a mixture solvent of methylene chloride and ethyl alcohol having a methylene chloride to ethyl alcohol ratio from 95: to 80:20. This is markedly different from Yamada.

In view of the foregoing the rejection is requested to be withdrawn.

B. Claim 6 stands rejected as being obvious over Yamada in combination with JP 2001-277267 to Konica Corp. (hereinafter "Konica"). Applicants respectfully traverse.

The rejection of Claim 6 has been rendered moot in view of the cancellation thereof.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Please contact the undersigned for any reason. Applicants seek to cooperate with the Examiner including via telephone if convenient for the Examiner.

Respectfully submitted,

CANTOR COLBURN LLP

By   
Peter R. Hagerty  
Registration No. 42,618

Date: April 16, 2007  
CANTOR COLBURN LLP  
1170 Peachtree Street, Suite 750  
Atlanta GA 30309  
Telephone (404) 607-9991-2929  
Facsimile (404) 607-9981  
Customer No.: 23413